

Introduced by Senator Ortiz

February 11, 2004

An act to amend Section 25180.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1224, as introduced, Ortiz. Hazardous waste violations: air districts.

(1) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program as a certified unified program agency (CUPA).

Existing law requires the Department of Toxic Substances Control, the State Water Resources Control Board, and the California regional water quality control boards to notify the local health officer and the director of environmental health of a county, city, or district, and the certified unified program agency, within 15 days after the department's or board's employees are informed of, or discover, an illegal or potentially hazardous disposal of hazardous waste, or if the department or board proposes to take certain enforcement actions. The department, the state board, and regional boards are required to coordinate with unified program agencies regarding hazardous waste violations.

This bill would additionally require an air pollution control district and an air quality management district to provide this notification to the local health officer and the director of environmental health of a county, city, or district, and to the certified unified program agency. The bill



would also increase from 15 days to 30 days the amount of time for which the notification is required to be made after the department, board, or air district is informed of, or discovers, an illegal or potentially hazardous disposal of hazardous waste, or proposes to take certain enforcement actions.

The bill would require these air districts to coordinate with unified program agencies regarding hazardous waste violations.

The bill would impose a state-mandated local program by imposing new duties upon air districts.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25180.5 of the Health and Safety Code
2 is amended to read:
3 25180.5. (a) The department, the State Water Resources
4 Control Board, ~~and~~ the California regional water quality control
5 boards, *and an air pollution control district or air quality*
6 *management district*, shall notify the local health officer and *the*
7 director of environmental health of a county, city, or district, and
8 the CUPA for the jurisdiction, as specified in subdivision (b),
9 within ~~15~~ 30 days after *the date that* any of the following occur:
10 (1) The department's ~~or~~, board's, *or district's* employees are
11 informed or discover that a disposal of hazardous waste has
12 occurred within that county, city, or district and that the disposal
13 violates a state or local law, ordinance, regulation, rule, license, or
14 permit or that the disposal is potentially hazardous to the public
15 health or the environment.



(2) The department ~~or~~, board, *or district* proposes to issue an abatement order or a cease and desist order, to file a civil or criminal action, or to settle a civil or criminal action, concerning a disposal of hazardous waste within that county, city, or district.

(b) The notice given by the department ~~or~~, board, *or district* pursuant to subdivision (a) shall include all test results and any relevant information ~~which that~~ the department ~~or~~, board, *or district* has obtained and ~~which that~~ do not contain trade secrets, as defined by Section 25173, as determined by the department ~~or~~, board, *or district*. If the department ~~or~~, board, *or district* determines that the test results or information cannot be disseminated because of current or potential litigation, the department ~~or~~, board, *or district* shall inform the local health officer, the director of environmental health, and the CUPA for the jurisdiction that the test results and information shall be used by the local health officer, the director of environmental health, and the unified program agencies, only in connection with their statutory responsibilities and shall not otherwise be released to the public.

(c) The department, the State Water Resources Control Board, ~~and~~ the California regional water quality control boards, *and an air pollution control district or air quality management district* shall coordinate with the unified program agencies regarding violations of this chapter, or violations of regulations adopted pursuant to this chapter, at a unified program facility.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.